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United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

September 22, 2021

VIA ELECTRONIC TRANSMISSION

Denis McDonough
Secretary
U.S. Department of Veterans Affairs

Dear Secretary McDonough:

I write to you today to express my continued disappointment in the U.S. Department of Veterans Affairs' (VA) failure to timely respond to my April 2, 2021, and July 20, 2021, letters regarding alleged conflicts of interest and potential whistleblower reprisal. Under your leadership, VA has been completely radio-silent with my office on these letters and has yet to provide any documents whatsoever that would be responsive to my requests. As you know, whistleblower reprisal and conflicts of interest among senior-level employees are both extremely serious issues and your office has continued to display an abject disregard for congressional oversight and whistleblower protection on this matter. When I voted to confirm you as Secretary of VA, I had high hopes that you would be a responsible, reasonable leader at VA, and one that would respect congressional oversight and agency transparency. Unfortunately, it would appear those hopes were in vain.

To make matters worse, according to a September 21, 2021, *Empower Oversight* release, your office produced nearly 600 pages of documents pursuant to an August 6, 2021 Freedom of Information Act (FOIA) request – a request that came literally months after my office made similar requests.¹ This FOIA response shows that your office had actually completed a response letter on May 27, 2021, to my initial inquiry but, for unknown reasons, elected to not deliver that letter and has never furnished any responsive documents or information.² So, the VA's failure to respond thus far is clearly not because the request is too burdensome, the information can't be located, or any number of the other excuses my office has received thus far. Rather, this release shows that VA officials are deliberately impeding a congressional investigation. Such behavior

¹ See *Did the Department of Affairs Enable Insider Trading?*, EMPOWER OVERSIGHT (Sept. 21, 2021), <https://empowr.us/wp-content/uploads/2021/09/VA-Suspicious-Trading-Research.pdf>; see also Letter from Charles E. Grassley, Ranking Member, S. Comm. on the Judiciary, to Mr. Denis McDonough, Sec'y U.S. Dep't of Veterans Affairs (Apr. 2, 2021), https://www.grassley.senate.gov/imo/media/doc/grassley_to_dept.ofveteransaffairsvbaethicsmarketinfoleaks.pdf; Letter from Charles E. Grassley, Ranking Member, S. Comm. on the Judiciary, to Mr. Denis McDonough, Sec'y U.S. Dep't of Veterans Affairs (July 20, 2021), <https://www.grassley.senate.gov/download/grassley-to-veterans-affairs-dept-vba-insider-trading-allegations>.

² See *Did the Department of Affairs Enable Insider Trading?*, EMPOWER OVERSIGHT (Sept. 21, 2021), <https://empowr.us/wp-content/uploads/2021/09/VA-Suspicious-Trading-Research.pdf>.

stands in stark contrast to the Biden administration's purported commitment to transparency—a promise that is readily espoused in public but rarely honored in practice.

I am dismayed at this administration's lack of awareness and complacency with respect to issues of wrongdoing, particularly alleged whistleblower reprisal and leaking of market-sensitive information. To that end, I demand VA be responsive to my congressional oversight inquiry and answer my April 2, 2021, and July 20, 2021, letters on this issue, and to deliver all documents responsive to my requests for information as soon as possible. Congressional oversight and whistleblower protection remain top priorities of my office, and this issue will not be let go. Contact my Committee staff at (202) 224-5225 should you have any questions.

Sincerely,



Charles E. Grassley

Ranking Member

Committee on the Judiciary